

OCT 25 2007

PTO/SB/26 (07-06)

Approved for use through 09/30/2008. OMB 0851-0031

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
BRONNE00104

In re Application of: Joel D. COOPER et al.

Application No.: 10/633,902

Filed: August 4, 2003

For: METHODS OF TREATING CHRONIC OBSTRUCTIVE PULMONARY DISEASE

The owner, Broncus Technologies, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 7,175,644 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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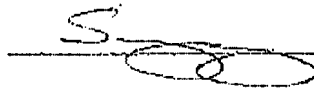
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 42,280



Signature

October 25, 2007  
DateSerjany S. Bagado  
Typed or printed name(650) 242-4212  
Telephone Number

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